

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 249 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE COOPERATIVE LANDDEVELOPMENT BANK LTD.

Versus

STATE OF GUJARAT

Appearance:

MR JR NANAVATI for Petitioner

MS MANISHA LAVKUMAR AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/06/2000

ORAL JUDGEMENT

Heard learned counsel for the parties.

Challenge has been made by the petitioner in this

petition under Article 226 of the Constitution of India to the circular of the respondent-State of Gujarat dated 17.7.1985 issued in respect of recovery of dues of the petitioner bank from the amount of the compensation payable to the Mortgagors on the acquisition of the land. Under that circular it is informed to the officers concerned that the mortgagors are only entitled to the proportionate amount of the compensation awarded to the mortgagors.

This court has occasion to deal with identical circular in Special Civil Application No.2359 of 1988 decided on 14.10.1999 and this circular was quashed and set aside. This matter is squarely covered by the decision of this court in the case of Gujarat State Co-op. Land Development Bank Ltd. Vs. State of Gujarat (supra). Accordingly, this Special Civil Application succeeds and the same is allowed and the circular of the respondent No.1 dated 17.7.1985 is hereby quashed and set aside. The petitioner shall be entitled to all consequential reliefs, as prayed for, in this Special Civil Application.

As a result of the quashing and setting aside of the aforesaid circular the Rule is made absolute with no order as to costs.

(S.K.Keshote, J.)

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